IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

(1) Appeal No.1 of 2005 in Notice of Motion No. 2669 of 2004 in Suit No. 2544 of 2004

Anand Agarwal ..Appellant

vs.

1.M & H Enterprises Pvt.Ltd.
and others ..Respondents

Shri A.Ramakrishnan with Shri D.B.Parikh for appellant.
Shri Shyam Diwan with Shri Prakash Shinde i/b M/s M.Dhruve & Co. for respondent nos.1 and 2
Shri A.D.Fegade i/b Mulla & Mulla for respondent no.3
Shri Suresh Kumar for respondent no.4.
Shri Birendra Saraf with Shri Mihir Mody and Shri Raju Gawde i/b M/s K.Ashar & Co. for respondent no.7
Mr.Patel, Officer of Court Receiver present.

(2) Appeal (Ld) No.8 of 2005
in
Notice of Motion No. 2669 of 2004
in
Suit No. 2544 of 2004

Bank of Baroda ..Appellants

vs.

1. M.H.Enterprises & ors. ..Respondents

Shri Birendra Saraf with Shri Mihir Mody and Shri Raju Gawade for appellant.
Shri Shyam Diwan with Shri Prakash Shinde i/b M/s Dhruve & Co. for respondent no.1.
Mr.Patel, Officer of Court Receiver, respondent no.2 present.
Shri A.D.Fegade i/b Mulla & Mulla & CBC for respondent no.3
Shri Suresh Kumar for respondent no.4.
Shri D.B.Parekh with Shri A.Ramkrishnan for respondent no.5.

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
12th January,2005

P.C.

1. By consent of parties the appeals are taken up for hearing and final disposal.

2. By consent of parties the impugned order dated 9th December, 2004 is set aside. The learned single Judge is requested to expedite hearing of Notice of Motion No.2699 of 2004 and dispose of the same preferably within 3 months.

3. Parties are at liberty to apply to the learned single Judge for fixing early date of hearing.

4. Receiver is directed to invest the amount of Rs.47,68,437/- lying with him being the value of six bonds in fixed deposit in any Nationalised Bank initially for a period of 3 months and, if necessary, to renew the same with the permission of the learned single Judge.

5. All contentions on merits are left open to the parties.

6. Both appeals are disposed of accordingly.